

CORI A. ROBINSON PLLC
325 East 6th Street, Suite II • New York, New York 10003
Tel. 212.979.5498 Fax. 646.390.1508
WWW.ROBINSONESTATELAW.COM

CORI A, ROBINSON, ESQ.

CORI @ROBINSONESTATELAW.COM

June 28, 2021

Via ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, N.Y. 10007

Re: Drake v. American Express Company, Case No. 1:21-cv-04383-JMF

Dear Judge Furman:

This Firm represents Gerald Drake as attorney-in-fact for Lorraine Drake and trustee of the Lorraine Drake Revocable Trust u/a/d July 28, 2014 as amended and restated on July 14, 2015, November 2, 2016 and September 21, 2020("Plaintiff"). Defendant is American Express National Bank ("Defendant") who is copied herein.

Defendant removed this case from New York Supreme Court on May 14, 2021. (ECF No. 1.) Plaintiff commenced the state court action pursuant to a Notice and Summons served *without* a complaint, in accordance with New York Civil Practice Law and Rules § 3012(b). Pursuant to a joint correspondence dated May 21, 2021, the deadline for Plaintiff to file the Complaint, was set for June 30, 2021. Defendant would then have a three-week deadline to answer or otherwise respond to the Complaint.

The Parties have engaged in discussions to see whether they can resolve the matter. To facilitate those discussions without the burden and cost of efforts that potentially would be mooted by resolution, Plaintiff and Defendant jointly request that the Court: (1) set a 30 day deadline for Plaintiff to file a Complaint; and (2) set a three-week deadline, after the Complaint is filed, for Defendant to answer or otherwise respond to the Complaint.

The date of the Parties' next scheduled appearance is July 27, 2021. The Parties made a prior request by later dated May 21, 2021.

Respectfully submitted,

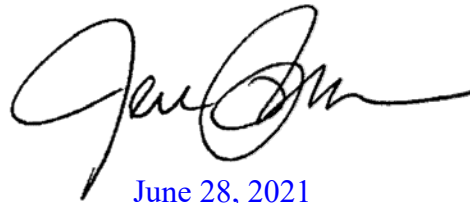


Cori A. Robinson

cc: Raymond A. Garcia, Counsel for Defendant (via email)

Application GRANTED. Plaintiff shall file a complaint no later than **July 30, 2021**, and Defendant shall file an answer or otherwise respond to the complaint **within three weeks** of its filing. The initial pretrial conference previously scheduled for July 27, 2021, is adjourned to **August 31, 2021**, at **3:00 p.m.** All pre-conference procedures remain in effect. *See* ECF No. 4. The Clerk of Court is directed to terminate ECF No. 10.

SO ORDERED.



June 28, 2021